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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

THOMAS ROY HANNAH,

Defendant and Appellant.

A144418

(Lake County
Super. Ct. Nos. CR934443, CR935940)

Thomas Roy Hannah (appellant) appeals from a judgment entered after he violated his probation and the trial court sentenced him to four years in state prison. Appellant's counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 and requests that we conduct an independent review of the record. Appellant was informed of his right to file a supplemental brief and did not do so. Having independently reviewed the record, we conclude there are no issues that require further briefing, and shall affirm the judgment.

FACTUAL AND PROCEDURAL BACKGROUND

On January 13, 2014, a felony complaint was filed in case number CR934443, charging appellant with corporal injury on a spouse or cohabitant (Pen. Code, ¹ § 273.5, subd. (a), count 1), assault by means of force likely to produce great bodily injury (§ 245, subd. (a)(4), count 2), and threatening to commit a crime which would result in death and great bodily injury (§ 422, count 3). The complaint was based on a incident that occurred

¹All further statutory references are to the Penal Code unless otherwise stated.

on January 9, 2014. That day, the police received a call from someone who heard screams for help coming from a home. Police observed bloody scratch marks on appellant and red marks and bruises on the victim's body. The victim told police that appellant had choked her until she almost lost consciousness, and that he told her she was going to die. The police arrested appellant. Appellant pleaded no contest to count 1 in exchange for a grant of probation. The two other counts were dismissed.

On March 3, 2014, imposition of sentence was suspended and the trial court placed appellant on three years of probation subject to various terms and conditions, and also imposed fines and fees. The court ordered appellant to serve 180 days in county jail beginning on April 9, 2014, with a credit of 9 days for time served.

On May 21, 2014, a complaint was filed in case number CR935940, charging appellant with felony vandalism (§ 594, subd. (a), count 1) with special allegations for a driving privilege suspension (Veh. Code, § 13202.6, subd. (a)(1)) and an on-bail enhancement (§ 12022.1). The information was based on an incident that occurred on February 6, 2014. That day, police responded to a call regarding damage to a bathroom in a park. On March 1, 2014, an anonymous person reported to police that appellant was responsible for the vandalism. The police spoke with appellant, who "broke down in tears" and "immediately took responsibility."

On July 8, 2014, appellant pleaded no contest to the offense and admitted the on-bail enhancement. At sentencing, the trial court placed appellant on probation for three years and ordered him to serve 240 days in county jail, beginning on September 18, 2014. The court also ordered that he pay certain fines and fees, and issued terms and conditions of probation.

On December 22, 2014, the trial court issued a bench warrant and an order for summary revocation of probation in both cases. The probation officer's report provided that appellant violated condition 19 of case number CR935940 by failing to surrender to county jail, and that he violated condition 1 of case number CR934443 by failing to submit monthly reports to his probation officer from April to December 2014. The court amended the probation violation allegation to state that appellant had failed to submit

reports from August to December 2014. Appellant admitted to violating both of these terms of probation.

At sentencing, defense counsel argued for revocation and reinstatement of probation in light of the fact that this was appellant's first probation violation. He explained that appellant had failed to surrender because he had a new baby and "got caught up in being a father." The trial court revoked appellant's probation based on his prior criminal history, the seriousness of the current offense, and his failure to appear for jail. In mitigation, the court noted, "there was an early admission of guilt." The court imposed the upper term of four years on the corporal injury charge in case CR934443. In case number CR935940, the court imposed a total of four years, consisting of the midterm of two years on the felony vandalism and an additional two years for the two-year bail enhancement. The court ordered the two four-year sentences to run concurrently, and also imposed various fines and fees. The court awarded 113 days credit in case number CR934443 and 277 days credit in case number CR935940.

DISCUSSION

Appellant's counsel has filed a brief pursuant to *People v. Wende, supra*, 25 Cal.3d 436, and asks this court to independently review the entire record to determine if it contains any issues which would, if resolved favorably to the appellant, result in reversal or modification. A review of the record has disclosed no reasonably arguable appellate issue, and we are satisfied that counsel has fully complied with his responsibilities. (*Ibid.*; *People v. Kelly* (2006) 40 Cal.4th 106.) The trial court did not err in revoking appellant's probation. Appellant was adequately represented by counsel at every stage of the proceedings. There was no sentencing error. There are no issues that require further briefing.

DISPOSITION

The judgment is affirmed.

McGuiness, P. J.

We concur:

Pollak, J.

Siggins, J.